



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

MEH:ddj
Docket No: 5040-00
7 November 2000

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 7 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 1160 PERS 815 of 27 September 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY

**NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000**

1160
PERS-815
27 Sep 00

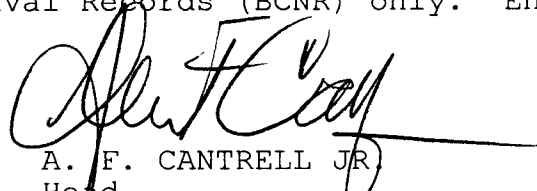
MEMORANDUM FOR CHAIRMAN, BOARD FOR CORRECTION OF NAVAL RECORDS
Via: PERS-00ZCB

Subj: BCNR PETITION ICO MM3 [REDACTED]

Ref: (a) SNM's DD Form 149 dtd 12 May 00
(b) MILPERSMAN 1160-100

Encl: (1) BCNR File

1. In response to reference (a), recommend disapproval of petitioner's request.
 - The petitioner reenlisted on 19 March 1996 after 2 years 6 months and 28 days of discharge from active naval service.
 - The petitioner reenlisted on 10 March 1998 for four years and received a zone "A" SRB entitlement for the MM(4230) rate/NEC.
 - The petitioner requests to receive automatic advancement to paygrade E-5 under the STAR program for NEC 4230.
 - The per reference (b), the STAR program is only available to personnel on their first Navy enlistment. There is currently no waiver available for advancement to paygrade E-5 via the STAR program for non-first term personnel.
2. In view of the above, recommend petitioner's record remain as is.
3. This is an advisory memorandum to reference (a) for use by the Board for Correction of Naval Records (BCNR) only. Enclosure (1) is returned.


A. F. CANTRELL JR.
Head,
Reenlistment Incentives Branch